

112 CERES PLACE



Accessory Structures located at rear setback of 112 Ceres Pl.



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR
WEDNESDAY, APRIL 24, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

MEMORANDUM

April 8, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Karl Rimkus, Interim Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 112 Ceres Pl, El Paso, Texas, 79907

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on August 26, 2011, and re-investigated on several occasions, between the date of the first inspection and April 2013. It is unknown when exactly the accessory structures were built. Upon investigation the structures were found open and abandoned, and in an advanced state of disrepair. The roof ceiling assembly and roof coverings in some areas of both accessory structures # 1 and # 2 are either completely missing or severely damaged. The exterior wall covering of the accessory structures are also severely damaged and/or missing. There is evidence of inadequate electrical and plumbing systems. Most of the doors and windows are broken and in disrepair. Both accessory structures # 1 and # 2 have become an attractive nuisance to both vagrants and children.
- 2) A certified "Notice of Violation" letter was mailed to Enrique Calderon.
- 3) Certified notices of the public hearing scheduled for April 24, 2013, were mailed to the owner and all interested parties on April 4, 2013
- 4) As of April 4, 2013, no taxes are owed.

The owners have been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures are a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure cannot be rehabilitated; and
- 4) That the structure be demolished within thirty (30) days; and
- 5) That the premises be cleaned within thirty (30) days & maintained clean thereafter; and
- 6) That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

CODE COMPLIANCE DIVISION
September 6, 2011
NOTICE OF VIOLATION

Enrique Calderon
5261 Roger Maris Dr.
El Paso, Texas 79934-0250

Re: 112 Ceres Pl.
Blk: North Valumbrosa
Lot: 53
Zoned: R-4
EMHS11-00778
7108 2133 3932 6108 5552

Greetings:

A recent inspection of the above referenced address has revealed that the accessory structure is in violation of the El Paso Municipal Code, Chapter 18.50 Property Maintenance Code, Sec. 302.7 – Accessory Structures.

All accessory structures, including detached garages, storage buildings, fences and walls, shall be maintained structurally sound and in good repair.

The accessory building at **112 Ceres Pl.** is dilapidated, weather beaten, structurally unsound, and constitutes a fire hazard.

The structure must be repaired or demolished and the premises cleaned of all weeds, trash and debris. Building permits must be obtained whether you reconstruct or demolish the structure within thirty 30 days of receipt of this letter.

This case is being submitted to the City Attorney's office for condemnation proceedings. The Building Standards Commission will decide if the building should be condemned, vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division Office, 7969 San Paulo Dr., El Paso, Texas, 79907 no later than
112 Ceres Pl.

the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-3690.

Raul Carrillo
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: El Paso Downtown Library, Auditorium, 501 N. Oregon,
El Paso, Texas 79901

DATE: April 24, 2013

TIME: 5:30 p.m.

PROPERTY: 112 Ceres Pl, EL PASO, TEXAS also described as Lot 53
North Valumbrosa to the City of El Paso, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Enrique Calderon of 5261 Roger Maris Dr., El Paso, Tx, 79934, is the owner, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about August 26, 2011 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The premises are full of weeds, trash, and debris (Sec. 302.1 & Sec. 302.4 of the 2009 IPMC)
- b. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- c. The accessory structures located on the premise have been damaged by fire, deterioration, neglect, abandonment, and vandalism to such an extent that they

are likely to partially or completely collapse. (Sec. 108.1.5 Item 3 of the 2009 IPMC)

- d. The building or structure is neglected, damaged, dilapidated, unsecured and abandoned and has become an attractive nuisance children and has become a harbor for vagrants. (Sec. 108.1.5 Item 7 of the 2009 IPMC)

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

John R. Batoon
Assistant City Attorney

Tom Maguire, C.B.O.
Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 112 Ceres Pl, El Paso, Texas was PUBLISHED in the official City newspaper on the day of _____, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 112 Ceres Pl., was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Enrique Calderon
5261 Roger Maris Dr.
El Paso, Tx 79934

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 112 Ceres Pl., was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 112 Ceres Pl., was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 112 Ceres Pl., was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 112 Ceres Pl., was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 112 Ceres Pl., was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at 112 Ceres Pl., El Paso, Texas.

Date: _____
Time: _____
Inspector: _____



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 8, 2013

REP. DISTRICT: 6

ADDRESS: 112 Ceres Place

ZONED: R-3

LEGAL DESCRIPTION: North Valumbrosa Lot 53

OWNER: Enrique Calderon

ADDRESS: 5261 Roger Maris
El Paso, Texas 79934-0250

BUILDING USE: Accessory Structure #1

TYPE OF CONSTRUCTION: Type V Wood

FOOTINGS: Unable to Determine Type and/or condition.

FOUNDATION: Wood

CONDITION: Very Poor. Untreated wood has been exposed to the elements for a prolonged period of time and is in direct contact with exposed earth.

FLOOR STRUCTURE: Wood Slats

CONDITION: Very Poor. Wooden slat floor covering has been exposed to the elements over a long period of time and is in very bad condition.

EXTERIOR WALLS: Wood Framing

HEIGHT: 8'-10'

THICKNESS: 4" - 5"

CONDITION: Very Poor and/or Missing. Wood studs are exposed to the elements and are only covered in a few areas with gypsum board from the inside. Exterior wall covering is non existent.

INTERIOR WALLS & CEILINGS: Wood framing w / gypsum board covering

CONDITION: Very Poor. Interior walls and ceilings have being damaged due to prolonged exposure to the elements and lack of maintenance.

ROOF STRUCTURE: Pitched roof, wood framing with rolled composition covering.

CONDITION: Very Poor. The entire roof structure is in an advanced state of disrepair.

DOORS, WINDOWS, ETC.: Missing

CONDITION: Missing. Accessory structure is missing doors and/or windows. There are several openings that indicate that either a door or window was initially placed there.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Doors must be replaced to make them operational.

PLUMBING: There is no plumbing in this structure.

ELECTRICAL: There is no electrical system in this structure.

MECHANICAL: There is no mechanical system in this structure.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes

BARRICADED: N/A

POLICE AID REQD.: N/A

REMARKS: Accessory Structure #1 is in an advanced state of disrepair. Has become harborage for vagrants and is an attractive nuisance for children. The structure should be demolished. The premises should be maintained clean of all weeds, trash and debris.

Raul Carrillo

Building Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 8, 2013

REP. DISTRICT: 6

ADDRESS: 112 Ceres Place

ZONED: R-3

LEGAL DESCRIPTION: North Valumbrosa Lot 53

OWNER: Enrique Calderon

ADDRESS: 5261 Roger Maris Dr.
El Paso, Texas 79934

BUILDING USE: Accessory Structure #2

TYPE OF CONSTRUCTION: Type V.

SPOT FOOTINGS: Steel and Wooden Piers

CONDITION: Poor. Piers are being held in place by concrete which has been exposed to the elements for a prolonged period of time. Some of the wooden piers are very much deteriorated.

FOUNDATION: Pier and Beam Wood Foundation

CONDITION: Very Poor. There areas of the wood foundation that are sagging and show signs of being structurally unstable.

FLOOR STRUCTURE: Wood Slats

CONDITION: **Very** Poor. Wooden slat floor covering has been exposed to the elements over a long period of time and is in very bad condition.

EXTERIOR WALLS: Wood Framing

HEIGHT: 8'-9'

THICKNESS: 4" - 5"

CONDITION: Very Poor and/or Missing. Wood studs are exposed to the elements and are only covered in a few areas with gypsum board from the inside. Exterior wall covering is non existent.

INTERIOR WALLS & CEILINGS: Wood framing w / gypsum board covering

CONDITION: Very Poor. Interior walls and ceilings have being damaged due to prolonged exposure to the elements and lack of maintenance.

ROOF STRUCTURE: Flat roof, wood framing with rolled composition covering.

CONDITION: Very Poor. The entire roof structure is in an advanced state of disrepair and missing in some areas.

DOORS, WINDOWS, ETC.: Missing doors and windows, there are some broken windows.
CONDITION: Missing and/or Very poor. Accessory structure is missing doors and/or windows. There are several openings that indicate that either a door or window was initially placed there.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor. Doors must be replaced to make them operational.

PLUMBING: There is no plumbing in this structure.

ELECTRICAL: There is no electrical system in this structure.

MECHANICAL: There is no mechanical system in this structure

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes **BARRICADED:** N/A **POLICE AID REQD.:** N/A

REMARKS: Accessory Structure #2 is in an advanced state of disrepair. Has become harborage for vagrants and is an attractive nuisance for children. The structure should be demolished. The premises should be maintained clean of all weeds, trash and debris.

Raul Carrillo
Building Inspector

Account Status

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EVAR
 ACT8006 v1.233

04/04/2013 16:52
 ACTEP

STATUS DETAIL

[Expand Fees](#)[Summary](#)

Account Information

Account No. **N515-999-0010-5900** Roll Code **REAL PROPERTY**Certified Owner **CALDERON ENRIQUE**Parcel Address **112 CERES PL**
 Amount Due as of **04/04/2013** CAD No. **299348**

Tax Units

Tax Unit Description

List of Tax Units

Amount Due/Paid Information

Year	Gross Value	H	O	V	D		Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$59,063						\$1,596.90	\$1,596.90	\$0.00	\$0.00	\$111.78	\$0.00	\$0.00
2011	\$59,063	Y			Y	Exemption	\$451.72	\$451.72	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$59,063	Y			Y	Exemption	\$441.32	\$441.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$59,503	Y			Y	Exemption	\$430.87	\$430.87	\$0.00	\$0.00	\$56.01	\$0.00	\$0.00
2008	\$58,751	Y			Y	Exemption	\$405.12	\$405.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$58,751	Y			Y	Exemption	\$348.03	\$348.03	\$0.00	\$0.00	\$24.36	\$0.00	\$0.00
2006	\$49,808	Y			Y	Exemption	\$336.39	\$336.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$42,979	Y			Y	Exemption	\$396.88	\$396.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$40,994	Y			Y		\$352.66	\$352.66	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals							\$6,240.61	\$6,240.61	\$0.00	\$0.00	\$192.13	\$0.00	\$0.00

 Last Payment Date

Last Payer [Alert](#)

3:52 PM
 4/4/2013